

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA )

v. )

CRIMINAL NO. 04-cr-10066-MEL

JAMIE EDELKIND, )

defendant. )

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SPEEDY TRIAL ORDER

The parties having jointly moved for an Order under the Speedy Trial Act, 18 U.S.C. §3161, et seq., and good cause having been shown,

IT IS HEREBY ORDERED THAT:

The period from March 18, 2004 through August 31, 2004, shall be excluded in computing the time within which the trial in this case must commence.

This period of delay resulted from proceedings relating to the transfer of this case and therefore is properly excluded pursuant to 18 U.S.C. §3161(h)(1)(G).

IT IS FURTHERED ORDERED THAT:

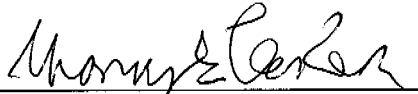
The period from September 1, 2004 through November 1, 2004, shall be excluded in computing the time within which the trial in this case must commence.

This period of delay results from a continuance granted on the basis of my findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, it is properly excluded pursuant to 18 U.S.C. §3161(h)(8).

Specifically, the Court has ordered the United States to report to the Court – not later than November 1, 2004 – with respect to its decision whether to supersede (by Indictment or by Information) the pending Information. Among the issues that affect this determination is the currently uncertain state of the law with respect to whether the government is required to allege sentencing factors in an Indictment. The Court's order requires the government to report at a time when, it is anticipated, the Supreme Court may have clarified the law in crucial respects.

In the meantime, to force the defendant to determine whether to proceed to trial, and if so, to determine what kind of trial (guilt/innocence or sentencing factors) he might request, would be unfair to the defendant. The current uncertainty as to the legal status of the United States Sentencing Guidelines precludes defendant from making a fully informed choice about his legal options.

Dated: September 20 2004

  
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THE HONORABLE MORRIS E. LASKER  
UNITED STATES DISTRICT JUDGE